

Atty. Docket No. RSW920000128US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**

In re application of: Renee M. Kovales, et al

AUG 04 2003

Serial No.: 09/782,773

Filed: 02/13/2001

OFFICE OF PETITIONS

For: Selectable Audio and Mixed Background Sound for Voice Messaging System

Art Unit: 2645

Commissioner for Patents

Office of Petitions

P.O. Box 1450

Alexandria, VA 22313

Attention: Steven Brently

Phone: 703-305-8380

Fax: 703-305-8755

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at 703-305-8755 on the date shown below: ( 5 pages including cover sheet)

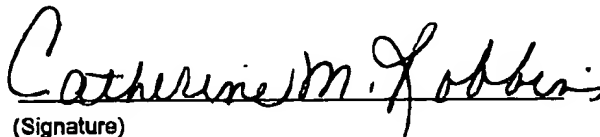
1. Petition to the Commissioner (In duplicate) (4 pages)

If you need anything further, please let me know.

Date: July 31, 2003

Catherine M. Robbins (919-543-9294)

(Name of person signing certification)

  
(Signature)

#*AK*  
*S*

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re application of	:	July 31, 2003
Renee M. Kovales, et al	:	IBM Corporation
Ser. 09/782,773	:	Dept.T81/Bldg. 062
Filed: 02/13/2001	:	P.O. Box 12195
For: Selectable Audio and Mixed	:	Res. Tri. Park, NC 27709
Background Sound for Voice	:	Art Unit: 2645
Messaging System	:	Examiner: Scott L. Weaver

**RECEIVED**  
AUG 04 2003  
OFFICE OF PETITIONS

**PETITION TO THE COMMISSIONER UNDER §1.181**

Commissioner for Patents  
Office of Petitions  
Attention: Steven Brently  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

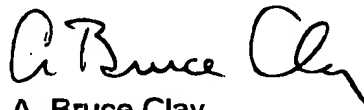
In reference to the above identified patent application and in accordance with a telephone conference between Mr. Steven Brently and the undersigned, the Request for Continued Examination (RCE) filed on June 30, 2003 is to be deleted/abandoned. The RCE was submitted erroneously, as the prosecution in the parent application had not been and is not now closed. A continuing application under 37 CFR 1.53(b), which should have been filed rather than the RCE, has been subsequently submitted.

Serial No. 09/782,773

It is requested that the filing fee submitted with the RCE be refunded to the deposit account number 09-0461.

We do not believe a fee is necessary with this Petition, however, if there is a fee due, the Commissioner is hereby authorized to charge said fee to deposit account 09-0461.

Respectfully submitted,



A. Bruce Clay  
Attorney for Applicant  
Reg. No. 32,121

Docket No: RSW920000128US1  
PHONE: 919-254-6717  
FAX: 919-254-4330

Serial No. 09/782,773